

CONSTITUTIONAL AMENDMENT

B1
HB 310/95 - HRU

7lr1467

By: Delegates Curran and Goldwater

Introduced and read first time: January 16, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget - Increases; Line Item Veto**

3 FOR the purpose of authorizing the General Assembly to increase or add Executive
4 Department items in the Budget Bill, subject to a certain limitation; providing for
5 the veto of certain Budget Bill items; providing for the reversion to original
6 appropriations of certain vetoed items in the Budget Bill; providing that certain
7 vetoed items in the Budget Bill shall be void; requiring a special session of the
8 General Assembly if the Governor vetoes any Budget Bill item; authorizing the
9 General Assembly to override Budget Bill item vetoes; establishing the manner in
10 which and the time at which Budget Bill items become law; clarifying language; and
11 submitting this amendment to the qualified voters of the State of Maryland for their
12 adoption or rejection.

13 BY proposing an amendment to the Constitution of Maryland

14 Article II - Executive Department

15 Section 17

16 BY proposing an amendment to the Constitution of Maryland

17 Article III - Legislative Department

18 Section 52(6)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
21 concurring), That it be proposed that the Constitution of Maryland read as follows:

22 **Article II - Executive Department**

23 17.

24 (a) To guard against hasty or partial legislation and encroachment of the
25 Legislative Department upon the co-ordinate Executive and Judicial Departments, every
26 Bill passed by the House of Delegates and the Senate, before it becomes a law, shall be
27 presented to the Governor of the State. If the Governor approves [he] THE GOVERNOR
28 shall sign it[, but if not]. EXCEPT FOR THE BUDGET BILL, IF THE GOVERNOR
29 DISAPPROVES THE BILL [he], THE GOVERNOR shall return it with [his] THE
30 GOVERNOR'S objections to the House in which it originated, which House shall enter the
31 objections at large on its Journal and proceed to reconsider the Bill. Each House may
32 adopt by rule a veto calendar procedure that permits Bills that are to be reconsidered to

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1 be read and voted upon as a single group. The members of each House shall be afforded
2 reasonable notice of the Bills to be placed on each veto calendar. Upon the objection of
3 a member, any Bill shall be removed from the veto calendar. If, after such
4 reconsideration, three-fifths of the members elected to that House pass the Bill, it shall
5 be sent with the objections to the other House, by which it shall likewise be reconsidered,
6 and if it passes by three-fifths of the members elected to that House it shall become a
7 law. The votes of both Houses shall be determined by yeas and nays, and the names of the
8 persons voting for and against the Bill shall be entered on the Journal of each House
9 respectively.

10 (b) If any Bill presented to the Governor while the General Assembly is in session
11 is not returned by [him] THE GOVERNOR with [his] THE GOVERNOR'S objections
12 within six days (Sundays excepted), the Bill shall be a law in like manner as if [he] THE
13 GOVERNOR signed it, unless the General Assembly, by adjournment, prevents its return,
14 in which case it shall not be a law.

15 (c) Any Bill presented to the Governor within six days (Sundays excepted), prior
16 to adjournment of any session of the General Assembly, or after such adjournment, shall
17 become law without the Governor's signature unless it is vetoed by the Governor within
18 30 days after its presentment.

19 (d) Any Bill, EXCEPT THE BUDGET BILL, vetoed by the Governor shall be
20 returned to the House in which it originated immediately after the House has organized
21 at the next regular or special session of the General Assembly, OTHER THAN A SPECIAL
22 SESSION CONVENED UNDER SUBSECTION (G) OF THIS SECTION. The Bill may then be
23 reconsidered according to the procedure specified in this section. Any Bill enacted over
24 the veto of the Governor, or any Bill which shall become law as the result of the failure of
25 the Governor to act within the time specified, shall take effect 30 days after the
26 Governor's veto is over-ridden, or on the date specified in the Bill, whichever is later. If
27 the Bill is an emergency measure, it shall take effect when enacted. No such vetoed Bill
28 shall be returned to the Legislature when a new General Assembly of Maryland has been
29 elected and sworn since the passage of the vetoed Bill.

30 (e) [The] EXCEPT FOR THE BUDGET BILL, THE Governor shall have power to
31 disapprove of any item or items of any Bills making appropriations of money embracing
32 distinct items, and the part or parts of the Bill approved shall be the law, and the item or
33 items of appropriations disapproved shall be void unless repassed according to the rules
34 or limitations prescribed for the passage of other Bills over the Executive veto.

35 (F) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE BUDGET
36 BILL AS FOLLOWS:

37 (1) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE
38 EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY THE
39 GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER ITEMS IN THE
40 BILL.

41 (2) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED
42 BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE
43 THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO
44 THE APPROPRIATION ORIGINALLY SUBMITTED BY THE GOVERNOR. THE ORIGINAL

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1 APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION
2 BY THE GOVERNOR.

3 (3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED BY
4 THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE
5 VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL BE VOID.

6 (4) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW
7 IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.

8 (G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE
9 GENERAL ASSEMBLY SHALL CONVENE IN EXTRAORDINARY SESSION 90 DAYS AFTER
10 THE DATE OF THE VETO. IF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
11 THE HOUSE OF DELEGATES JOINTLY ISSUE A PROCLAMATION SPECIFYING AN
12 EARLIER DATE TO CONVENE IN EXTRAORDINARY SESSION, THE GENERAL
13 ASSEMBLY SHALL CONVENE ON THAT EARLIER DATE.

14 (2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS
15 SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE EACH ITEM IN THE
16 BUDGET BILL VETOED BY THE GOVERNOR. THE GENERAL ASSEMBLY MAY NOT
17 CONSIDER THE OVERRIDE OF THE GOVERNOR'S VETO OF ANY OTHER BILL.

18 (3) (I) THE BUDGET BILL SHALL BE RETURNED BY THE GOVERNOR
19 TO THE HOUSE IN WHICH IT ORIGINATED, AND EACH VETOED ITEM SHALL BE
20 CONSIDERED INDIVIDUALLY.

21 (II) IF THREE-FIFTHS OF THE MEMBERS ELECTED TO THAT HOUSE
22 VOTE TO OVERRIDE THE VETO OF AN ITEM, IT SHALL BE SENT TO THE OTHER
23 HOUSE FOR CONSIDERATION.

24 (III) IF THREE-FIFTHS OF THAT HOUSE VOTE TO OVERRIDE THE
25 VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE APPROPRIATION
26 ORIGINALLY PASSED BY THE GENERAL ASSEMBLY. THE APPROPRIATION AS
27 ORIGINALLY PASSED SHALL THEN BECOME LAW IMMEDIATELY, WITHOUT
28 FURTHER ACTION BY THE GOVERNOR OR THE GENERAL ASSEMBLY.

29 **Article III - Legislative Department**

30 52.

31 (6) The General Assembly shall not amend the Budget Bill so as to affect either
32 the obligations of the State under Section 34 of Article III of the Constitution, or the
33 provisions made by the laws of the State for the establishment and maintenance of a
34 system of public schools or the payment of any salaries required to be paid by the State of
35 Maryland by the Constitution [thereof; and the]. THE General Assembly may amend the
36 bill by increasing or diminishing [the] items therein relating to the General Assembly,
37 [and] by increasing or diminishing [the] items therein relating to the judiciary, AND BY
38 INCREASING, DIMINISHING, OR ADDING ITEMS RELATING TO THE EXECUTIVE
39 DEPARTMENT AS LONG AS THE TOTAL OF THE APPROPRIATION APPROVED BY THE
40 GENERAL ASSEMBLY DOES NOT EXCEED THE TOTAL ALLOWANCE SUBMITTED BY
41 THE GOVERNOR. [but except as hereinbefore specified, may not alter the said bill except
42 to strike out or reduce items therein, provided, however, that the] THE salary or

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1 compensation of any public officer [shall] MAY not be decreased during [his] THE
2 PUBLIC OFFICER'S term of office[; and such bill, when and as passed by both Houses,
3 shall be a law immediately without further action by the Governor]. WHEN PASSED BY
4 BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE GOVERNOR FOR APPROVAL
5 OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THE CONSTITUTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
7 determines that the amendment to the Constitution of Maryland proposed by this Act
8 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
9 Constitution concerning local approval of constitutional amendments do not apply.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
11 proposed as an amendment to the Constitution of Maryland shall be submitted to the
12 legal and qualified voters of this State at the next general election to be held in
13 November, 1998 for their adoption or rejection in pursuance of directions contained in
14 Article XIV of the Constitution of this State. At that general election, the vote on this
15 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
16 shall be printed the words "For the Constitutional Amendments" and "Against the
17 Constitutional Amendments," as now provided by law. Immediately after the election, all
18 returns shall be made to the Governor of the vote for and against the proposed
19 amendment, as directed by Article XIV of the Constitution, and further proceedings had
20 in accordance with Article XIV.